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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,100	02/09/2004	Arthur Richard Powers Jr.	P-0301 ARP	2099
28752	7590	09/20/2006	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			LE, HUYEN D	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,100	Applicant(s) POWERS, ARTHUR RICHARD	
	Examiner HUYEN D. LE	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 12-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/09/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 12-35 drawn to an invention nonelected with traverse in Paper filed 06/29/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Objections

2. Claim 2 is objected to because of the following: on line 4, after “about”, “1.0s” should be changed to --1.0--. Appropriate correction is required.

Claim 5 is objected to because of the following: on lines 3 and 10, before “ body”, “main” should be deleted for the consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claim 5 recites the limitation "said means for removably clamping" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "first cylindrical opening" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said speaker means" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U.S. patent 4,574,906).

Regarding claim 1, White et al. teaches a cylindrical speaker system that comprises a cylindrical body unit (13) defining a first axis. As shown in figure 2, the body unit (13) includes at least one speaker (40) having at least a front speaker face and rear speaker face, and the front speaker face is positioned at a first side of the body unit opposite an open second side of the body unit (13).

White et al. shows at least a cylindrical rear cover unit (11) that is coaxial to the first axis, defines a single cylindrical opening, and continuously bounds a respective enclosed space defined therein in which a medium of electro-mechanical energy absorption is disposed (figures 1-2). Further, White teaches means for securing the body unit (13) to the rear cover unit (11, col. 2, lines 22-27). As shown in figures 1-2, the total length of the speaker system along the first axis is greater than a maximum diameter of the speaker system.

White does not specifically disclose the speaker that is a stage speaker system. However, White does not restrict to any application for the speaker system; it therefore would have been obvious to one skilled in the art to apply the speaker system of White in any application such as a stage speaker system for greater application.

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Regarding claim 2, White does not disclose the ratio as claimed. However, White does not restrict the size, the diameter or the length for the speaker system.

Therefore, it would have been obvious to one skilled in the art to provide any size, diameter or the length for the speaker system of White such as the speaker system with the ratio of the total length to the maximum diameter about $1 < X < 3.5$ depending on the application.

Regarding claim 3, White does not specifically disclose clamping means for removably clamping the body unit to the rear cover. However, White does teach means for joining and supporting the body unit to the rear cover unit (col. 2, lines 17-24).

Therefore, it would have been obvious to one skilled in the art to provide any joining and supporting means for the body unit (11) to the rear cover unit (13) such as clamping means for better securing and supporting the body unit to the rear cover unit of the speaker system.

Regarding claim 10, White teaches the rear cover that is provided with the waterproof material (col. 2, lines 17-22) and a wired audio connection (30). White does not specifically teach the wired audio connection from a rear face of the rear cover of the speaker system.

However, it would have been obvious to one skilled in the art to provide the wired audio connection at any surface of the housing components such as in the rear surface of the rear cover (11) for better connecting the speaker to an outside signal source.

Allowable Subject Matter

6. Claims 4-9 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 6/29/06 have been fully considered but they are not persuasive.

Responding to the arguments about the Restriction Requirement, the examiner refers to the Office Action mailed 06/07/06.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hill (U.S. patent 4,949,386) teaches a waterproof ground audio speaker apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL

September 15, 2006



HUYEN LE
PRIMARY EXAMINER